



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,144	08/20/2003	Bryan Richards	20499.CIP	7153

20551 7590 07/06/2005

THORPE NORTH & WESTERN, LLP.  
 8180 SOUTH 700 EAST, SUITE 200  
 P.O. BOX 1219  
 SANDY, UT 84070

EXAMINER
----------

JULES, FRANTZ F

ART UNIT	PAPER NUMBER
----------	--------------

3617

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/645,144

Applicant(s)

RICHARDS, BRYAN

Examiner

Frantz E. Jules

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-16 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 5 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 6-7, 9-14, 16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobler (US 4,023,753) in view of Pardes (US 6,263,799B1).

Dobler discloses an elongated guideway comprising a riding surface having a transit lane configured to accommodate a plurality of rider autonomous vehicles, a plurality of rider access portals disposed in a side of the guideway, see fig. 5, configured for transporting riders, the autonomous vehicles having rider entry doors configured to selectively align with any one of the rider access portals and allow the riders to enter the vehicle when the vehicle stops in the guideway adjacent to one of the guideways, a control system configured to automatically direct one of the plurality of autonomous vehicles to a selected rider access portals in response to a request from one of the riders and automatically guide the one autonomous vehicle along the guideway to a destination location selected by the rider.

Minovitch discloses all of the features as disclosed above but does not disclose a system comprising a transition lane substantially parallel to the transit lane and autolink control system. The general concept of providing a transition lane substantially parallel to a transit lane and auto link control system in a transportation system is well known in

Art Unit: 3617

the art as illustrated by Pardes which discloses the teaching of a transition lane which is substantially parallel to a transit lane and auto link control system in a transit system, see fig. 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler to include the use of a transition lane substantially parallel to a transit lane and auto link control system in his advantageous transit system as taught by Pardes in order to allow for switching of the vehicle for dropping of passengers.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobler (US 4,023,753) and Pardes (US 6,263,799B1) as applied to claim 1 above, and further in view of Ledwinka et al (US 2003/0094116 A1).

Dobler and Pardes teach all the limitations of claim 7 except for a transit system comprising stairs inside the vehicles to allow riders to climb into the vehicles. The general concept of providing stairs inside a vehicle to allow riders to climb into the vehicle is well known in the art as illustrated by Ledwinka et al which disclose the teaching of stairs inside the vehicles to allow riders to climb into the vehicles. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler and Ledwinka et al to include the use of stairs inside the vehicles to allow riders to climb into the vehicles in his advantageous transit system in order to maximize the use of the railcar.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobler (US 4,023,753) and Pardes (US 6,263,799B1) as applied to claim 1 above, and further in view of Imada et al (JP11351893 A).

Art Unit: 3617

Dobler and Pardes teach all the limitations of claim 7 except for a transit system comprising a toll collection system associated with a control system. The general concept of providing a toll collection system associated with a control system is well known in the art as illustrated by Imada et al which disclose the teaching of a toll collection system associated with a control system in a transit system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dobler and Ledwinka et al to include the use of a toll collection system associated with a control system in his advantageous transit system as taught by Imada et al in order to reduce confusion and the time spent in line for paying toll.

#### ***Allowable Subject Matter***

5. Claims 5, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone

Art Unit: 3617

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

June 27, 2005

**FRANTZ F. JULES**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', with a long horizontal line extending to the right.